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**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL EDUCATION ASSOCIATION,
 et al.,

Plaintiffs,

v.

BETSY DEVOS, in her official capacity as
 Secretary of Education, et al.,

Defendants.

Case No. 3:18-cv-05173-LB

**STIPULATION TO VACATE
 THE DEADLINE RELATED TO
 THE CASE MANAGEMENT
 STATEMENT AND CASE
 MANAGEMENT CONFERENCE
 PENDING RESOLUTION OF
 PARTIES' CROSS-MOTIONS
 FOR SUMMARY JUDGMENT**

Pursuant to Civil Local Rules 6-2 and 7-12, Defendants Betsy DeVos, in her official capacity as Secretary of Education, and the Department of Education, and Plaintiffs National Education Association (“NEA”), California Teachers Association (“CTA”), Shane Heiman, Kwynn Uyehara, and Stephanie Portilla, hereby file this stipulated request to vacate the deadline related to the case management statement and the case management conference pending

1 resolution of the parties' cross-motions for summary judgment. In support thereof, the parties
2 state as follows.

3 1. Plaintiffs' Complaint challenges the Department's rule delaying the effective date
4 of a 2016 regulation regarding state authorization. *See* Compl., ECF No. 1. Plaintiffs bring their
5 action pursuant to the Administrative Procedure Act. *Id.* ¶¶ 98-101.

6 2. Plaintiffs moved for summary judgment on October 23, 2018. ECF No. 20. On
7 January 3, 2019, Defendants produced the administrative record. ECF No. 37. Defendants
8 opposed Plaintiffs' motion for summary judgment and cross-moved for summary judgment on
9 February 4, 2019. ECF No. 41. Plaintiffs' consolidated reply to their motion for summary
10 judgment and opposition to Defendants' cross-motion for summary judgment is due on or before
11 February 25, 2019, and Defendants' reply to their motion for summary judgment is due on or
12 before March 11, 2019. ECF No. 42. A hearing on the parties' cross-motions for summary
13 judgment has been set for April 11, 2019. *Id.*

14 3. On February 4, 2019, the clerk issued a notice providing that the parties' case
15 management statement is due by April 4, 2019, and that an initial case management conference
16 has been set for April 11, 2019. *Id.*

17 4. The parties expect that this case will be resolved on the basis of the parties' cross-
18 motions for summary judgment. *See, e.g., San Joaquin River Grp. Auth. v. Nat'l Marine Fisheries*
19 *Serv.*, 819 F. Supp. 2d 1077, 1084 (E.D. Cal. 2011) ("[I]n a case involving review of a final agency
20 action under the [APA] . . . summary judgment becomes the mechanism for deciding, as a matter of
21 law, whether the agency action is supported by the administrative record and otherwise consistent
22 with the APA standard of review.") (citation omitted). Accordingly, the parties believe that the
23 preparation of a case management statement and a case management conference would not be an
24 efficient use of the resources of the parties or the Court. The parties therefore request that the Court
25 vacate the deadline related to the case management statement and the case management
26 conference pending resolution of the parties' cross-motions for summary judgment.

1 5. This stipulation would not otherwise affect the schedule for this case, including
2 the hearing on the parties' cross-motions for summary judgment that has been set for April 11,
3 2019.

4
5 Dated: February 21, 2019

Respectfully submitted,

6 JOSEPH H. HUNT
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10 MARCIA BERMAN
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ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Stuart J. Robinson, hereby attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 21, 2019

By: /s/ Stuart J. Robinson
STUART J. ROBINSON

[PROPOSED] ORDER APPROVING STIPULATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable Laurel Beeler
United States Magistrate Judge